



**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG LOCAL DIVISION, JOHANNESBURG)**

CASE NO: 2020/20891

**JOHANNESBURG, 14 October 2020
BEFORE THE HONOURABLE JUDGE LAMONT**

In the matter between :-

FRAZER SOLAR GMBH

Applicant

and

THE KINGDOM OF LESOTHO

Respondent

HAVING read the documents filed of record and having considered that matter:-

IT IS ORDERED THAT:-

1. Draft Order in terms of the Order signed by Judge Lamont on even date (14th October 2020), is made an Order of Court.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG LOCAL DIVISION, JOHANNESBURG	
Private Bag X7, Johannesburg 2000	
	
2020 -11- 12	
GLD-JHB-011	
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG LOCAL DIVISION, JOHANNESBURG	

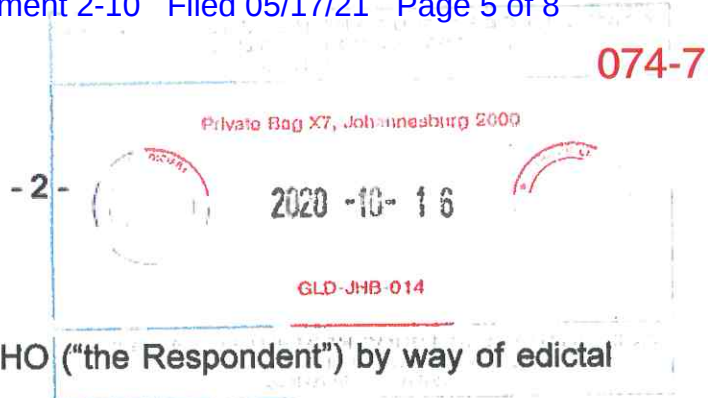
BY THE COURT

**REGISTRAR
/bbn**

CASE NO.: 20/20891

074-6

REQUISAR OF THE HIGH COURT



THE KINGDOM OF LESOTHO ("the Respondent") by way of edictal citation for the following relief:

1.1 that the following awards granted in favour of the Applicant and against the Respondent in terms of an arbitral award dated 28 January 2020 (a copy of which is annexed to the founding affidavit and marked "FS10"), be made an order of this Honourable Court:

1.1.1 the Respondent is ordered to pay the Applicant liquidated damages in the sum of €50 000 000,00 (fifty million Euros);

1.1.2 the Respondent is ordered to pay pre-award interest thereon in the amount of €754 273,00 (seven hundred and fifty-four thousand two hundred and seventy-three Euros);

1.1.3 the Respondent is ordered to pay post-award interest thereon calculated at the rate of 1.7% *per annum* from the date of the award to date of payment, and payable in Euros;



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Private Bag X7, Johannesburg 2000

2020 -10- 16

GLD-JHB-014

074-8

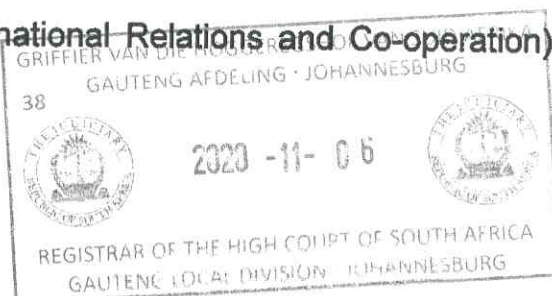
1.1.4 the Respondent is ordered to pay costs of the arbitration as described in the Applicant's schedule, a copy of which is annexed to the founding affidavit and marked "FS8"; and

1.1.5 the Respondent is ordered to pay costs and fees of the arbitrator in accordance with the arbitrator's invoice, a copy of which annexed to the founding affidavit and marked "FS9",

("the Intended Application")

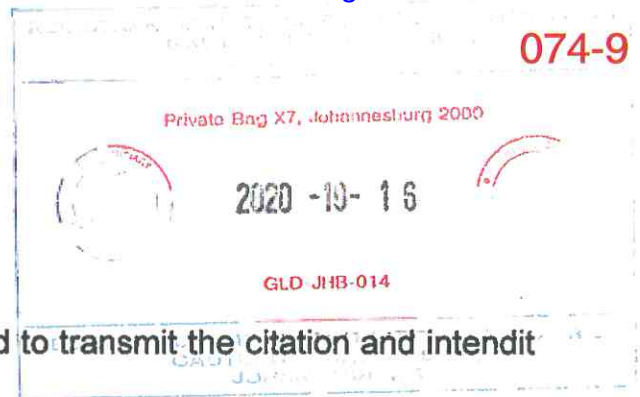
2. service of the citation and intendit in the Intended Application be effected in terms of section 13(1) of the Foreign States Immunities Act 87 of 1981 ("the Act"), as follows:

2.1 the Sheriff of this Honourable Court or his/her deputy is directed to serve the citation and intendit upon South Africa's Department of Foreign Affairs and Information (now known as the Department of International Relations and Co-operation) ("the Department");



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2.2 the Department is directed to transmit the citation and intendit to the Respondent's ministry of foreign affairs;

2.3 the Department is directed to provide the Applicant and the Registrar of this Honourable Court with written confirmation that the citation and intendit have been transmitted to and received by the Respondent's ministry of foreign affairs;

2.4 the Department is directed to include in the abovementioned written confirmation the date and method of transmission of the citation and intendit and the date of receipt thereof by the Respondent's ministry of foreign affairs; and

2.5 service of the citation and intendit will be deemed to have been effected upon the Respondent on the date of receipt of the citation and intendit by the Respondent's ministry of foreign affairs,

3. the Respondent is afforded, in terms of section 13(2) of the Act, a period of two (2) months and five days (from the date of service of the citation and intendit upon it as aforesaid) to deliver its notice of intention to oppose the Intended Application, and thereafter the



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ordinary rules in terms of Rule 6 of the Uniform Rules of Court will apply; and

4. the costs of this application be costs in the Intended Application.

BY THE COURT



REGISTRAR



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